

Multi-program Enforcement Actions: SIMS enforcement coordination SOP

The Department's [Enforcement Coordination Plan](#) requires enforcement programs with a pending formal action to contact other programs which may also have dealings with the respondent to inquire whether they are planning to take a similar action and whether they feel that a joint (multi-program) action would be appropriate. If so, the enforcement/compliance managers may choose to move forward with a multi-program enforcement action and will need to identify one program as the lead contact for the enforcement case. The status of multi-program cases may be discussed at the monthly Enforcement/Compliance meeting by the compliance managers.

There will be a unique department-wide number assigned to each multi-program action. As soon as it is determined that the case will be multi-program, the lead enforcement staff contact ("Contact") will coordinate with the Office of Enforcement Policy & Coordination ("OEPC") to obtain the number to be assigned to the action. The Contact will notify the other programs involved of the number assigned for individual program tracking. An example of the number format is 2010001DEP.

If the multi-program action is an administrative order, the Contact should coordinate with the other involved programs regarding filing of the Order on the land records as necessary. If applicable, the appropriate letter/invoice to the town clerk must be included in the Order package prior to being forwarded to the Commissioner for signature. In accordance with the [Order Processing Protocol](#), the Commissioner's staff will mail a certified copy of the order to the town clerk if the letter is included in the package.

The Contact, with assistance from the other program(s) involved, will be responsible for filling out the [Formal Action Data Sheet \(FADS\)](#) and be responsible for coordinating the data and document entry for SIMS for the multi-program action.

The Contact, with assistance from the other program(s) involved, will fill out the FADS the same as for single program actions ([see instructions](#)) **EXCEPT** as indicated below:

Case information

- 1) Check the multi-program box
- 2) *Enforcement action #* - Enter the enforcement action number that was assigned by OEPC.
- 3) *Program* - Identify all programs involved in the case- each program identified will get credit for the action on individual program reports or searches. Type the additional programs in the same cell or on the second page.
- 4) *Staff (Contact)* – Enter the name of the lead enforcement staff contact on the case. The multi-program action will appear on this staff person's assignment list in SIMS.

- 5) *Associated EI#s* – Enter, with assistance from the other program(s) involved, the number of any related documents such as applications, permits, previous NOVs or Consent Orders. The Contact will need to associate, for instance, the NOVs from the various programs that escalated to the multi-program formal enforcement action
- 6) *Date of Discovery* – Enter, with assistance from the other program(s) involved, the appropriate date of discovery in accordance with the [Enforcement Response Policy](#).

Penalty Information

- 7) *Total Penalty Amount, Civil Penalty Amount, SEP, SEP Description* – Enter, with assistance from the other program(s) involved, the penalty and SEP information for the entire case, not just Contact program’s information.
- 8) *Payment/SEP Details*: List, with assistance from the other program(s) involved, the amount of the cash portion or SEP portion of the penalty that is attributed to each program.
- 9) *Penalty Range EAS, Proposed Penalty EAS....etc* – If a separate EAS has been prepared for each program that is included in the multi-program case, enter the following comment on the FADS: “See individual program EAS”.

Closure of Enforcement Action

A final resolution date cannot be entered into SIMS until all programs involved have confirmed compliance with the enforcement action. During the interim period between the date of issuance and the final resolution date for all the programs involved, if compliance has been confirmed with all applicable requirements in the enforcement action for one or more programs involved (but not all programs involved), the action may be administratively closed for that program(s). Said program staff should prepare a closure memo to be entered into SIMS and associated to the enforcement action. The memo should identify the specific provisions of the action that have been resolved. Additional supporting documentation may also be included as appropriate.

If necessary the Contact for the enforcement action may change if the lead program is the first to close out their issues. The enforcement action should be re-assigned to the appropriate staff person who will be taking the lead. The program that is the last to resolve their issues is responsible for drafting and entering the certificate of compliance and the resolution date of the enforcement action into SIMS. The approved format for the Certificate of Compliance can be found on the [Enforcement Desk Reference](#).

As required by applicable statutes, the Contact will coordinate with the other involved programs to assure that the Certificate of Compliance is placed on the land records as necessary.